App. F. IX-4

Previous References

1935-36
(Legis)

File No. 46-35

Serial Nos. 33

Letter References.

T. 59-36-misc.

PRESERVED

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. One.

Part B for July 36

SUBJECT.

Revised Rules regarding Appeals and Revision ~~by~~ preferred to the Traffic Board.

WD 0418—GPB—22,500—29-8-36

Notification No p. 433 of 14.7.36

Notifies the revised Rules re. appeals & revision.

Embraced

Serial No.

I have revised the draft as per personal instructions. It may be approved.

DW 7/4

First Member

HR 8/4/ DW 8/4

~~Draft~~ Approved

Jon 16/4

DW 17/4

Secretary will draft notification on Monday

HR 17/4/

Draft Sent.

20/4/36

I see today

HR 20/4/

No p. 6935 dt 20/21.4.36 to the compiler

Notifies Oft Rules re. Appeals & Revisions.

The only objection received so far is from mr. A.L. Hill.

He is of opinion that appeals should be disposed of by the Whole Board meeting and failing this the Chairman may exercise the powers

Srs. 21/4/36

8 APR. 1936 7347

WD 03594—GPB—30,000—18-7-35

of the Board pending final decision by the Board. He objects to the delegation of this power to any member or members of the Board by the Chairman as contemplated in the Draft Rule 91.

The rule 91 as modified reads as follows:-

"91 The power of the Board under rule 90 may be exercised by the Chairman pending final decision by the Board."

Submitted for orders.

3/ 8/5/86 Mr Hills See 99 ehons on the draft rules are as follows:-

(i) Rule 91 - permits the powers of revision etc being exercised by the Chairman or by any member of members of the Board as may be authorised by the Chairman. Mr Hill says that the whole Board should exercise this power or failing this, the Chairman may act alone, his decision coming up to the Board subsequently for

81
T-B.

General and Revenue Secretariat. | File No. of 193 . | [App. F. III-2

They seem to be all right & may be published.

Special officer
W.C. 15/7

Issue 16/7

1377

Issued no. P. 433/Regis 46-35-83 dt 14-7-36 to the Compiler Mysore Gazette for publication in the issue of the Gazette dt 16-7-36 & to supply 20 copies each to the D.Ms & J.G.P and 150 copies to this Office.

B
1.9.37
13/5/37

NOTE—Contn. Sheet.

Extra

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

P 6935 Leg's 46-35

General and Revenue Secretariat,
Bangalore, Dated, the 20th April 1936.
21

NOTIFICATION.

The following draft rules which the Government propose to make in exercise of the powers conferred upon them by section 11 of the Mysore Motor Vehicles Regulation 1930 and section 21 (2) of the Mysore Road Traffic and Taxes Regulation VI of 1935 is hereby published for the information of the persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration on or after the 7th of May 1936 and that any suggestions or objections which may be received from any person in respect of the said rules will be considered by Government.

These draft rules will be in lieu of the existing rules 88 to 93 (both inclusive) of the Public Service Motor Vehicles Rules published with Notification no. P.3992/Legis. 66-35 dated 18th December 1935.

Draft Rules:-

REVISAL & REVISION.

17. The Board may, either on its own motion or on an application made in this behalf, call for and examine the record of any enquiry or the proceedings of any officer under these rules, for the purpose of satisfying itself as to the legality or propriety of any decision or order passed

and as to the regularity of the proceedings of such officer. If in any case, it shall appear to the Board that any decision or order or proceedings so called for should be modified, annulled or reversed, the Board may pass such order thereon as it may deem fit.

89. Subject to the powers of revision vested in the Board, the order of a District Magistrate granting or refusing a permit under these rules and all orders regarding time-table and frequency of services and conditions attached to the permit and other similar matters passed by a District Magistrate shall be final.

90. In any application for revision under the foregoing rules, the Board may, pending the disposal of the application, direct the execution of the decision or order complained against to be suspended.

91. The power of the Board under any of the foregoing rules may be exercised by the Chairman or by any other member or members of the Board as may be authorised by the Chairman in this behalf.

By Order,

H. Kamesh

for GENERAL SECRETARY TO GOVERNMENT.

The Compiler, Mysore Gazette.

Extra

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

P&Q 35 Legs '36-36. General and Revenue Secretariat,
Bangalore, Dated, the 20th April 1936.

NOTIFICATION.

The following draft rules which the Government propose to make in exercise of the powers conferred upon them by section 11 of the Mysore Motor Vehicles Regulation 1930 and section 65 ~~and 82(39)~~ of the Mysore Road Traffic and Taxes Regulation II of 1936 is hereby published for the information of the persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration on or after the 7th of May 1936 and that any suggestions or objections which may be received from any person in respect of the said rules will be considered by Government.

These draft rules will be in lieu of the existing rules 88 to 93(both inclusive)of the Public Service Motor Vehicles Rules published with Notification No. P.3992/Legis. 26-35 dated 28th December 1935.

Draft Rules:-

APPEALS & REVISION.

91. The Board may, either on its own motion or on an application made in this behalf, call for and examine the record of any enquiry or the proceedings of any officer under these rules, for the purpose of satisfying itself as to the legality or propriety of any decision or order passed

and as to the regularity of the proceedings of such officer. If in any case, it shall appear to the Board that any decision or order or proceedings so called for should be modified, annulled or reversed, the Board may pass such order thereon as it may deem fit.

80. Subject to the powers of revision vested in the Board, the order of a District Magistrate granting or refusing a permit under these rules and all orders regarding time-table and frequency of services and conditions attached to the permit and other similar matters passed by a District Magistrate shall be final.

90. In any application for revision under the foregoing rules, the Board may, pending the disposal of the application, direct the execution of the decision or order complained against to be suspended.

91. The power of the Board under any of the foregoing rules may be exercised by the Chairman or by any other member or members of the Board as may be authorised by the Chairman in this behalf.

By Order,

[signature]

[illegible] SECRETARY TO GOVERNMENT.

The Compiler, Mysore Gazette.

Appendix F G—1]

SUBJECT..... 5 .....

.....

.....

Section Supp

File No. G. 35

Serial No.

Diary No. of letter replied to.....

No. P 6935

Notifn.

To ~~In exercise of the powers conferred on them~~ The following draft rules which the Govt propose to make in exercise of the powers conferred upon them by section 11 of the Mysore Motor Vehicles Regln. 1928 and Section 5 ~~of the~~ of the Mysore Road Traffic & Taxes Regln VI of 1935 is hereby published for the info of the ~~public~~ persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration on or after the 7th day of May 1936 & that any suggestions or objections which may be received from

General and Revenue Secretariat

( )

the *193* .

Date of issue..... 21/4/36

Signed by ..... Sr. M. V. J.

List of enclosures.....

Copied by .....

Examined by.....

WD 03601—GPB—30,000—23-9-35

from any person in respect of
the said rules will be considered
by Govt.

These draft rules will be
in lieu of the existing rules 88 to 93 both inclusive
of Part
regarding Public Service Motor
Vehicles published with notifn no.
PS992/Legis 46-35 & 18th Decbr 1935
which shall be of no effect on
& from the date of the following
draft rules coming into force.

(x x x ^ ^)
(Here type the Draft rules.

B. G.

Hon Secy
27/2/14

To The Compiler Mysore for publication
in part IV of the Gaz of 23.4.36
& to print & supply 50 copies to this
Office.
27/2/14

APPEALS & REVISION.

88. The Board may, either on its own motion or on an application made in this behalf, call for and examine the record of any enquiry or the proceedings of any officer under these rules, for the purpose of satisfying itself as to the legality or propriety of any decision or order passed and as to the regularity of the proceedings of such officer. If in any case, it shall appear to the Board that any decision or order or proceedings so called for should be modified, annulled or reversed, the Board may pass such order thereon as it may deem fit.

89. Subject to the powers of revision vested in the Board, the order of a District Magistrate granting or refusing a permit under these rules and all orders regarding time-table and frequency of services and conditions attached to the permit and other similar matters passed by a District Magistrate shall be final.

90. An appeal shall lie to the Board from an order of revocation or suspension of a permit passed under rule 6. The appeal shall be preferred in the form of a memorandum signed by the appellant and shall be accompanied by a copy of the order appealed from. It shall be presented to the Secretary to the Board within one month from the date of the order appealed against excluding the time taken for obtaining a copy of such order. It shall

also be stamped in accordance with the scale that may be fixed by the Board from time to time in this behalf.

91. The Board may after sending for the records and examining them, either dismiss the appeal, if it sees no ground to interfere or fix a day for hearing of the appeal.

92. In case an appeal is to be heard, it shall be heard by the Chairman of the Board or any Committee of three members of the Board specially appointed by the Chairman for this purpose.

93. The decision of the Chairman or of the majority of the Committee in case the appeal is heard by a Committee, shall be final--. A copy of such decision shall be communicated to the District Magistrate or other officer concerned who shall take necessary further action in accordance with such decision.

94. In any ~~appeal or~~ application for revision under the foregoing rules, the Board may, pending the disposal of the ~~appeal or revision~~ application direct the execution of the decision or order complained against to be suspended.

95. The Board may in ~~an appeal or revision~~ such cases either annul, reverse, modify, or confirm the decision or order complained against or it may remand the case for such further investigation or for taking such additional evidence as it may think necessary.

NOTIFICATION.

No. P. 6935 Legis. 46-35, dated Bangalore, the 20th—21st April 1936.

The following Draft Rules which the Government propose to make in exercise of the powers conferred upon them by Section 11 of the Mysore Motor Vehicles Regulation 1928, and Sections 5 and 23 (3) of the Mysore Road Traffic and Taxes Regulation VI of 1935 is hereby published for the information of the persons likely to be affected thereby, and notice is hereby given that the said draft will be taken into consideration on or after the 7th of May 1936 and that any suggestions or objections which may be received from any person in respect of the said rules will be considered by Government.

These draft rules will be in lieu of the existing rules 88 to 93 (both inclusive) of the Public Service Motor Vehicles Rules published with Notification No. P. 3992—Legis. 46-35, dated 18th December 1935.

Draft Rules:—

APPEALS AND REVISION.

88. The Board may, either on its own motion or on an application made in this behalf, call for and examine the record of any enquiry or the proceedings of any officer under these rules, for the purpose of satisfying itself as to the legality or propriety of any decision or order passed and as to the regularity of the proceedings of such officer. If, in any case, it shall appear to the Board that any decision or order or proceedings so called for should be modified, annulled or reversed, the Board may pass such order thereon as it may deem fit.

89. Subject to the powers of revision vested in the Board, the order of a District Magistrate granting or refusing a permit under these rules and all orders regarding time-table and frequency of services and conditions attached to the permit and other similar matters passed by a District Magistrate shall be final.

90. In any application for revision under the foregoing rules, the Board may, pending the disposal of the application, direct the execution of the decision or order complained against to be suspended.

91. The power of the Board under any of the foregoing rules may be exercised by the Chairman or by any other member or members of the Board as may be authorised by the Chairman in this behalf.

By Order,

M. VENKATESA IYENGAR,
Secretary to Government,
General Department.

Printed by the Superintendent at the Government Press, Bangalore.

6099 p83

BICCODE ESTATE,
BELUR-HASSAN P. O.,
MYSORE STATE,
SOUTH INDIA.

Telegraph Office: BELURHASSAN.

50.-

30 APR. 1930

From [illegible], Esq.,
To The Secretary to Government, General Department,

Sir,

In reference to your Notification No. P.[illegible] Pols. [illegible], dated [illegible], vide The Bombay Gazette, dt. 3-4-30, Part IV, page [illegible] : -

Draft Rule 91. If the Traffic Board (I take it that it is the Traffic Board that is referred to) is to have such powers, I think the whole Board should exercise them. Appeals are not likely to require very urgent disposal - or should they be so, Draft Rule 90 could be used.

Failing the Full Board being employed to hear appeals and revisions, the Chairman might be empowered to hear them, his decisions coming to the Board for subsequent confirmation. But there seems no necessity for nor does it seem desirable that he should delegate his powers in this connection to any other member or members, other than the whole Board.

I would suggest therefore that Rule 91 read as follows : -

"91. The power of the Board under Rule 90 may be exercised by the Chairman pending final decision by the Board".

2. Alternatively, I would suggest that all reference to the Board in Draft Rules 88 to 90 be altered to read 'the Chairman of the Board', and that Rule 91 be omitted.

I have the honour to be,
Sir,
Your most obedient servant,

R. L. Stein

Rec'd 15/7

No. P 433

DRAFT.

Legn. 46-35-83

Notification. dt. 14.7.36.

In exercise of the powers conferred upon them by Section 11 of the Mysore Motor Vehicles Regulation 1928 and Sections 5 and 23 (3) of the Mysore Road Traffic and Taxes Regulation VI of 1935, the Government of His Highness the Maharaja are pleased to issue the following amendment to the Public Service Motor Vehicles Rules, 1935, the draft rules in the said behalf having been published with Notification No. P.6935/Legn. 46-35 dated 20/21st April 1936 at page 148 of Part IV of the Mysore Gazette dated 23rd April 1936.

For Rules 88 to 93 substitute the following:-

"APPEALS AND REVISION

88. The Board may, either on its own motion or on an application made in this behalf, call for and examine the record of any enquiry or the proceedings of any officer under these rules, for the purpose of satisfying itself as to the legality or propriety of any decision or order passed and as to the regularity of the proceedings of such officer. If, in any case, it shall appear to the Board that any decision or order or proceedings so called for should modified, annulled or reversed, the Board may pass such order thereon as it may deem fit.

89. Subject to the powers of revision vested in the Board, the order of a District Magistrate granting or refusing a permit under these rules and all orders regarding time-table and frequency of services and conditions attached to the permit and other similar matters passed by a District -- Magistrate shall be final.

90. In any application for revision under the foregoing rules, the Board may, pending the disposal of the application, direct the execution of the decision or order complained against to be suspended.

91. The power of the Board under any of the foregoing rules may be exercised by the Chairman or by any other member or members of the Board as may be authorised by the Chairman in this behalf.

92. The decision of the Traffic Board shall be final."

By Order,

SdR

General Secretary to Govt.

To

The Compiler, Mysore Gazette, for publication in Part IV of the Mysore Gazette dated 16th July 1936 and to print and supply ~~ten~~ twenty copies each to the District Magistrates of Districts and the Inspector-General of Police in Mysore, direct and 150 copies to this office.

TR 13/7.

[illegible] application for revision under the [illegible] rules, [illegible] matter may, pending the disposal of the application, [illegible] of the execution of the decision or order complained of [illegible] be suspended.

[illegible] application for revision under any of the foregoing rules may be [illegible] by the Chairman or by any other member [illegible] [illegible] be authorized by the Chairman [illegible].

[illegible] decision of the Commission upon such application shall be final."

By order,

[illegible]
Secretary, Interstate Commerce Commission.

Dec. [illegible] Application for revision.

[illegible] application for survival under the [illegible] the party [illegible] dispose of [illegible] the execution of [illegible] decision or [illegible] material to be executed.

[illegible] Notice of the award under any of the foregoing [illegible] be given by the Chairman at any other member [illegible] or may be authorized by the Chairman [illegible].

[illegible] decision of the Tribunal shall be final."

by [illegible].

[signature]

[illegible] Secretary to Government.